

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q77791

Michael CUYLEN

Appln. No.: 10/722,499

Group Art Unit: 2138

Confirmation No.: 7666

Examiner: Dipakkumar B. GANDHI

Filed: November 28, 2003

For: METHOD FOR PROTECTED TRANSMISSION OF DATA VIA AN AIR INTERFACE

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits this Reply Brief in response to the Examiner's Answer dated May 14, 2007. Entry of this Reply Brief is respectfully requested.

Table of Contents

STATUS OF CLAIMS	2
GROUND OF REJECTION TO BE REVIEWED ON APPEAL	3
ARGUMENT	4
CONCLUSION	6

REPLY BRIEF UNDER 37 C.F.R. § 41.41

U.S. Appln. No.: 10/722,499

STATUS OF CLAIMS

Claims 1-19 are pending and are the basis of this Appeal.

Claims 1-19 stand rejected.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

- A. Claim 1 stands rejected under 35 U.S.C. § 103(a), as allegedly being unpatentable over Masao (JP 59045738) in view of Thompson (U.S. 3,699,479).
- B. Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masao, Thompson and Roche (US 4,138,596).
- C. Claim 4 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masao, Thompson, Roche and Sainomoto (US 2001/0054109 A1).
- D. Claims 5 and 6 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masao, Thompson and Boros (US 4,095,165).
- E. Claim 7 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masao, Thompson and Fairbairn (US 4,181,850).
- F. Claims 8-10 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masao, Thompson and Sato (US 4,087,627).
- G. Claims 11-15 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masao, Thompson and Gomm (US 5,650,761).
- H. Claims 16-19 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masao, Thompson, Kuttruff (US2002/0080864 A1) and Eckstein (US 2001/0040507 A1).

ARGUMENT

Appellant stands by the arguments presented in the January 10, 2007 Appeal Brief. Additionally, Appellant provides the following remarks in response to the Examiner's Answer, dated May 14, 2007.

On pages 12-14 of the Examiner's Answer, the Examiner has provided a response to the arguments presented in the Appeal Brief regarding claim 1. In the response beginning on page 12 and ending on page 13, line 3, however, the Examiner has basically reiterated the Abstract of Masao. Therefore, Appellant respectfully submits that the arguments, already presented on page 11 to page 12, line 6 of the Appeal Brief, stand as valid and un rebutted.

Furthermore, on page 12 of the Appeal Brief, Appellant provided additional arguments in response to the October 19, 2006 Advisory Action. In particular, Appellant submitted that even if it is assumed *arguendo* that the RD signal is used to determine the second final value, the RD signal is only sent to the shift register SFT2 and the UDCNT. Values from these two elements appear to be compared at the comparison circuit CMP (figure of Abstract). Appellant therefore noted that there is no teaching or suggestion that the UDCNT value of transmission signal SD is compared with the value of the UDCNT of the receiving data RD.

In response to the above, the Examiner again refers to the teachings of the Abstract of Masao and also refers to the "Purpose" of Masao, which discloses a detection of even numbers of bit errors of total bits transferred. Appellant submits that the broad disclosure of detection of even numbers of bit errors fails to teach or suggest the specific recitations of claim 1 and, further,

that Abstract of Masao fails to teach that CK_0 - CK_m (alleged first final value of count) is compared with a count of the receiving data signal RD.

The Examiner appears to acknowledge that Masao lacks the above teaching regarding the alleged first final value. In particular, on page 14 of the Examiner's Answer, the Examiner now maintains, "it would have been obvious to one of ordinary skill in the art at the time the invention was made to compare the set information CK_0 - CK_m (i.e. first final value of the count) transmitted to the receiving side with the second final count value of the receiving data RD at a comparison circuit CMP." Appellant submits that Masao fails to suggest such a modification and, based on the description provided in the Abstract and the representative figure, there is no reason provided why one skilled in the art would so modify the reference in the manner now maintained by the Examiner in the Examiner's Answer. Rather, as set forth above and in the Appeal Brief, the RD signal is sent only to the shift register SFT2 and the UDCNT. Values from these two elements appear to be compared at the comparison circuit CMP (figure of Abstract). There is no teaching of, and likewise no plausible reason presented, as to why Masao would have been further modified to have the UDCNT value of the transmission signal SD compared with the value of the UDCNT of the receiving data RD. The disclosed processing of the RD signal appears to preclude such a comparison.

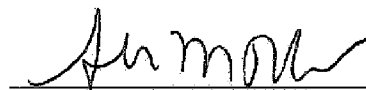
In view of the above, Appellant maintains the position set forth in the Appeal Brief with regard to claim 1 and all remaining claims of the Application.

REPLY BRIEF UNDER 37 C.F.R. § 41.41
U.S. Appln. No.: 10/722,499

CONCLUSION

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

Respectfully submitted,



Allison M. Tulino
Registration No. 48,294

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

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